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Attorneys for Plaintiff
THAT ONE VIDEO ENTERTAINMENT, LLC, a
California limited liability company

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

THAT ONE VIDEO
ENTERTAINMENT, LLC, a
California limited liability company,

Plaintiff,
vs.

KOIL CONTENT CREATION PTY
LTD., an Australian proprietary
limited company doing business as
NOPIXEL; MITCHELLE CLOUT,
an individual; and DOES 1-25,
inclusive,

Defendants.

CASE NO: 2:23-cv-02687 SVW (JCx)

[Assigned to the Hon. Stephen V. Wilson;
Ctrm 10A]

**STIPULATION TO CONTINUE TRIAL
AND ALL RELATED DEADLINES**

Action Filed: April 10, 2023
Trial Date: September 17, 2024

STIPULATION TO CONTINUE TRIAL AND TRIAL DEADLINES

COMES NOW Plaintiff THAT ONE VIDEO ENTERTAINMENT, LLC, a California limited liability company (“TOVE” or “Plaintiff”) and Defendants KOIL CONTENT CREATION PTY LTD., an Australian proprietary limited company doing business as NOPIXEL (“NoPixel”), and MITCHELL CLOUT, an individual (“Clout”) (collectively, “Defendants”) hereby state as follows:

1. WHEREAS, on July 7, 2023, Plaintiffs filed their operative First Amended Complaint for Declaratory Relief, Breach of Contract, and an Accounting (Dkt. No. 18);

2. WHEREAS, on February 14, 2024, the Court denied Defendants’ Motion to Dismiss the First Amended Complaint (Dkt. No. 26);

3. WHEREAS, on or about March 18 and 19, 2024, the parties exchanged their Initial Disclosures pursuant to Rule 26;

4. WHEREAS, on March 26, 2024, a New Case Status Conference was held, and the Court set a Trial for July 16, 2024 (Dkt. No. 29);

5. WHEREAS, on or about March 29, 2024, Defendants served written discovery on Plaintiff;

6. WHEREAS, on or about April 8, 2024, Plaintiff served written discovery on Defendants;

7. WHEREAS, on April 24 2024, Plaintiff filed an *ex parte* application for a brief continuance of the trial calendar so that Plaintiff would have sufficient time to designate an expert witness to review and opine on the similarity between Defendants’ code base and TOVE’s employee’s original contributions thereto (the “Application”) (Dkt. No. 38);

8. WHEREAS, on April 25, 2024, the Court granted the Application and continued the Trial in this matter by sixty (60) days, to September 17, 2024 (Dkt. No. 39);

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1 9. WHEREAS, throughout the month of June 2024, Plaintiff and
2 Defendant served and supplemented their respective responses to the other Party's
3 written discovery;

4 10. WHEREAS, on or about June 17, 2024, Plaintiff served Defendants
5 with Plaintiff's Initial Disclosure of Expert Witness, and the designated Expert's
6 corresponding Expert Witness Report;

7 11. WHEREAS, on July 9, 2024, Plaintiff and Defendants filed a Joint
8 Stipulation regarding a discovery dispute the Parties are presently having over each
9 Party's claimed obligation to produce certain documents in discovery, which dispute
10 is set to be heard before the Magistrate Judge on July 30, 2025 (Dkt. No. 40);

11 12. WHEREAS, on July 9, 2024, Plaintiff took the deposition of the person
12 most knowledgeable for Defendant NoPixel;

13 13. WHEREAS, on July 11, 2024, Defendants took the deposition of third-
14 party witness Daniel Tracey;

15 14. WHEREAS, on July 12, 2024, Defendants took the deposition of the
16 person most knowledgeable for Plaintiff;

17 15. WHEREAS, on July 15, 2024, Plaintiff's counsel emailed Defendants'
18 counsel to advise that Plaintiff intended to supplement its expert disclosure based on
19 new information gleaned during the July 9, 2024 deposition of the person most
20 knowledgeable for Defendant NoPixel, and both parties therefore agreed to an
21 extended expert disclosure schedule, pursuant to which Plaintiff would supplement
22 its Initial Disclosure of Expert Witness and corresponding Expert Witness Report by
23 July 24, 2024 and Defendants would serve their rebuttal expert disclosure and
24 rebuttal expert report by July 31, 2024;

25 16. WHEREAS, the parties have tentatively planned to take the depositions
26 of both expert witnesses during the week of August 5, 2024;

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1 17. WHEREAS, both parties intend on filing Motions for Summary
2 Judgment by no later than August 30, 2024, so that both Motions can be heard on
3 Monday, September 30, 2024;

4 18. WHEREAS, the parties therefore hereby request that the court continue
5 the trial and all related deadlines by ninety (90) days, to December 17, 2-24, so that
6 the parties can have time to file their respective Motions for Summary Judgment,
7 and the Court can have time to hear both motions prior to the commencement of
8 pre-trial preparation; and

9 19. WHEREAS, this is the parties' second joint request for a continuance.

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11 DATED: July 15, 2024

ALTVIEW LAW GROUP, LLP

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13 By: /s/ John Begakis, Esq.
14 **JOHN M. BEGAKIS**
15 *Attorneys for Plaintiff* THAT ONE VIDEO
16 ENTERTAINMENT, LLC, a California
17 limited liability company

18
19 DATED: July 15, 2024

MORRISON COOPER

20 By: /s/ Larry Zerner, Esq.
21 **LARRY ZERNER**
22 *Attorneys for Defendants* KOIL CONTENT
23 CREATION PTY LTD., an Australian
24 proprietary limited company doing business
25 as NOPIXEL; MITCHELLE CLOUT, an
26 individual
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